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SUBJECT: Stuttgart Ansar al-Islam Trial Continues

REF: A) 06 Frankfurt 4401 B) 06 Frankfurt 7499

Sensitive but unclassified; not for internet distribution.

11. (SBU) SUMMARY: The ongoing trial in Stuttgart of three suspected members of Ansar al-Islam is now expected to last at least until April - and perhaps even until the fall. The Federal Prosecutor has charged the three with plotting to assassinate then-Iraqi Prime Minister Allawi during a visit to Germany in December 2004. The testimony and questioning of a key witness for the prosecution has begun. Each of the three defendants has taken a different approach to the proceedings, ranging from silence to verbal assaults on the prosecutors and judges. END SUMMARY.

Trial to Last until April -- at Least

12. (SBU) Despite earlier press speculation that the ongoing Ansar al-Islam trial at Stuttgart's high-security Stammheim facility may conclude this month, the Stuttgart Court is now reporting that it expects the trial to last at least until the end of April. (NOTE: Stammheim's courtroom was built for trials of the RAF/Red Army Faction, the domestic terrorist group active in the 1970s -- and security measures are extremely tight. END NOTE.) Senior Public Prosecutor Silke Ritzert and journalists attending the proceedings have told us the trial may well last until the fall.

"Witness Number One" Testifies

13. (SBU) At the suggestion of the senior prosecutor, a consulate representative attended the January 23rd session of the court in order to observe the long-awaited testimony of "witness number one" -- an undercover agent from the Mecklenburg-Western Pomerania Office for the Protection of the Constitution (LfV). The agent had originally been scheduled to testify in October 2006, but the Mecklenburg-Western Pomerania interior minister prevented his participation due to disagreements with the prosecutor's office regarding safety and technical issues. The parties have since resolved their differences, allowing for the agent's participation. The agent testified that he met Rafik Mohamad Yousef two years ago in Berlin and that they discussed the "marriage" (reference to the assassination plot). During the January 23rd session, the court granted Yousef permission to personally question the witness -- an opportunity he used to try to disrupt and delay the proceedings.

Three Defendants, Three Different Approaches

14. (SBU) Yousef's antics are indicative of his behavior throughout the process, and demonstrate the split in how each of the three accused has approached the proceedings. The press reports that Ata Abdoulaziz Rashid, an alleged leader of Ansar al-Islam in Germany, has remained relatively silent throughout the court sessions. The

third defendant, Mazen al-Hussein, has been somewhat more cooperative, claiming that he actively attempted to delay and stop the alleged attack. Hussein has clearly dissociated himself from the other two accused and presents himself in court as a westernized student (short hair, no beard).

15. (SBU) Yousef has taken a much more confrontational approach to the court, refusing to stand up when the judges enter the room and shouting verbal abuse at court officials and prosecutors, despite constant reprimands from the presiding judge. He has also repeatedly accused the court of complicity in a conspiracy with the Federal Office of Criminal Investigation (BKA) against him and his co-defendants. Due to his erratic and disruptive behavior, Yousef's lawyer asked for a psychological evaluation of his client. During the January 23rd session, a psychologist attended the proceedings to observe and analyze Yousef's behavior. The psychologist was not sure when he would officially present his findings; however he remarked informally to us that Yousef does display some signs of paranoia.

COMMENT

16. (SBU) Significant aspects of the charges against the accused have yet to be discussed in the proceedings, and logistical challenges to obtaining witness testimony, and Yousef's stalling tactics are contributing factors to the delay in the trial. Court officials have thus far been unwilling to predict the outcome, claiming it is still too early in the process. Post will continue to follow and report major developments as appropriate. END COMMENT.

17. (U) This cable was coordinated with Embassy Berlin.

POWELL